

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN CLINT DRAPER,

Plaintiff,

No. CIV S-02-00716 FCD GGH P

vs.

JEFFREY HARRIS, et al.,

Defendants.

ORDER

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Plaintiff is a prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On May 3, 2005, plaintiff filed a motion requesting that the court order the U.S. Marshal to serve subpoenas on two non-parties.

As stated in the January 28, 2005, order, the court is not authorized to waive, in actions in which the moving party is proceeding in forma pauperis, the cost of serving subpoenas by the United States Marshal. See Tedder v. Odell, 890 F.2d 210, 211-212 (9th Cir. 1989)(finding no statutory authority allowing district courts to waive, in in forma pauperis actions, the payment of witness fees).

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's May 3, 2005, motion for
2 service of subpoenas is denied.

3 DATED: 6/7/05

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5 /s/ Gregory G. Hollows

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7 GREGORY G. HOLLOWS
8 UNITED STATES MAGISTRATE JUDGE

7 ggh:kj
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